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09/976,500	10/12/2001	Peter Yeung	031941-094	3432

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EXAMINER
OSMAN, RAMY M

ART UNIT	PAPER NUMBER
2157	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	12/29/2006	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

PTOL-90A (Rev. 10/06)

	Application No.	Applicant(s)
Office Action Summary	09/976,500	YEUNG ET AL.
	Examiner	Art Unit	
	Ramy M. Osman	2157	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *13 October 2006*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *35-37,40-42,44,45,47-57 and 63-68* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *35-37,40-42,44,45,47-57 and 63-68* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Status of Claims

1.   This communication is in response to amendment filed October 13, 2006, where

applicant amended claims 35 and 66. Claims 35-37,40-42,44,45,47-57,63-68 are pending.

Response to Arguments

2.   Applicant's amendments and arguments filed 10/13/2006, with respect to the rejection(s)

of claim(s) 35-37,40-42,44,45,47-57,63-68 under 102 (e) have been fully considered and are not

persuasive.

3.   112 second paragraph rejection of claim 35 is withdrawn.

4.   Applicant argues that Barrett does not disclose the following: "(1) the requesting

application sends a subsequent request; (2) the requesting application sends the subsequent

request to the information providing application; and (3) the requested data is not retrieved or

provided to the information providing application by the central server".

5.   *In reply,* regarding argument (1), although "subsequent request" is not mentioned in the

claims, Barrett does teach that the requesting application sends a subsequent request. Barrett

discloses that after a partial grant of access, via identity authentication, the requestor can send a

subsequent request to the access interface in order to negotiate acceptable conditions of use

(column 7 lines 1-10 & 40-55). Regarding argument (2), the claims are broad, and therefore the

"information providing application" is broadly interpreted to be the information server (see

figure 1, #100). Regarding argument (3), it is noted that the features upon which applicant relies

(i.e., "the requested data is not retrieved or provided to the information providing application by

the central server") are not recited in the rejected claim(s). Although the claims are interpreted

in light of the specification, limitations from the specification are not read into the claims. See *In*

re Van Geuns, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Claim Objections

6.   Claim 35 objected to because of the following informalities: On line 9, change "request

to certain personal…" to "request to access certain personal". Appropriate correction is required.

Claim Rejections - 35 USC § 102

7.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8.   Claims 35-41,43-47,53,57-59,61,63,65,66 and 67 rejected under 35 U.S.C. 102(e) as

being anticipated by Barrett et al (US Patent No 6,581,059).

9.   In reference to claims 35,58,63 and 66, Barrett teaches a system, a personal profile

control network and a method for distributing and maintaining end-user personal profile data in a

data communications system, said system providing communication between applications using

said personal profile data, the system comprising:

        a central protection server storing personal protection profile information, wherein said

personal protection profile information stored information for a particular user as to which

personal profile data associated with said particular user is accessible by which particular

application (column 5 lines 20-45 and column 6 lines 20-65);

a requesting application providing an access request to certain personal profile data

associated with a particular user, said user being identified by a first user identity (column 6 lines

19-25);

an information providing application storing said certain personal profile data associated

with said user wherein said certain personal profile data are stored separately from said central

protection server storing said personal protection profile information (figure 1 and column 6

lines 20-65);

wherein said central protection server receives said access request for said certain

personal profile data from said requesting application and grants or rejects said request by

evaluating the associated personal protection profile information for said particular user (column

3 lines 30-67); and

wherein said requesting application requests said certain personal profile data from said

information providing application in response to said central protection server granting said

access request (column 3 lines 30-67 and column 6 lines 40-67).

10.   In reference to claim 36, Barrett teaches the system according to claim 35, wherein there

is one access means for each of said requesting application and said information providing

application (column 6 lines 1-35).

11.   In reference to claim 37, Barrett teaches the system according to claim 35, wherein said

central protection server provides a second user identity to the requesting application in response

to said access request being granted, wherein said second user identity identifies the user within

said information providing application and wherein said requesting application requests said

certain personal profile data from said information providing application using said second user

identity (column 7 line 45 – column 8 line 35).

12.   In reference to claim 40, Barrett teaches the system according to claim 35, wherein the

personal protection profile information are assigned one of a number of security levels, a lowest

security level indicating that all personal profile data access is prevented for every application,

and a highest security level indicating that all personal profile data is freely available (column 6

lines 15-60).

13.   In reference to claims 41 and 59, Barrett teaches the system according to claims 36 and

58, wherein an interface between said requesting application and said respective access means

comprises an Application Programmable Interface based on a generic markup language (column

6 lines 1-35).

14.   In reference to claim 43, Barrett teaches the system according to claim 41, wherein access

to requested end-user personal profile data is granted or rejected by the central server in

communication with the requesting application (Summary and column 6 lines 40-67).

15.   In reference to claims 44 and 64, Barrett teaches the system according to claims 35 and

63, wherein access to said requested personal profile data is granted or rejected by the central

server in communication with the information providing application (Summary and column 6

lines 40-67).

16.   In reference to claims 45 and 65, Barrett teaches the system according to claims 35 and

63, wherein access to said requested personal profile data is granted or rejected by the central

server in communication with the requesting application and the information providing

application (Summary and column 6 lines 40-67).

17.   In reference to claim 47, Barrett teaches the system according to claim 36, wherein user

identity translating means are provided in the access means of the requesting application (column

7 line 45 – column 8 line 35).

18.   In reference to claims 53 and 67, Barrett teaches the system according to claims 36 and

66, wherein the access means of the information requesting or providing application includes

means for encrypting the user identity (column 7 line 34 – column 8 line 30).

19.   In reference to claim 57, Barrett teaches the system according to claim 35, wherein at

least some of the applications include respective cache memory for temporarily holding

information about access requests, and a previously used session can be reused at least for a

given time period (column 7 lines 1-35).

Claim Rejections - 35 USC § 103

20.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

21.   Claims 42,48-51 and 60 rejected under 35 U.S.C. 103(a) as being unpatentable over

unpatentable over Barrett (US Patent No 6,581,059) in view of Weschler (US Patent No

6,757,720).

22.   In reference to claims 42 and 60, Barrett teaches the system according to claims 41 and

59, including HTML (column 8 lines 34-40). Barrett fails to explicitly teach wherein the generic

markup language is XML. However, Weschler does teach managing profile data via a profile

service engine (Abstract and column 4 lines 45-67). Weschler discloses using a markup

language such as XML for the usefulness of it dynamic formatting capabilities (column 8 lines

20-40 and column 9 lines 50-67).

It would have been obvious for one of ordinary skill in the art to modify Barrett by

making the markup language as XML as per the teachings of Weschler for the usefulness of it

dynamic formatting capabilities.

23.   In reference to claim 48, Barrett teaches the system according to claim 35. Barrett fails to

explicitly teach wherein a general Document Type Definition (DTD) is defined to allow flow of

personal data between said requesting application and said information providing application.

However, Weschler teaches managing profile data via a profile service engine (Abstract and

column 4 lines 45-67). Weschler discloses DTD's for authenticating request messages (column

9 lines 50-67 and column 16 lines 18-65).

It would have been obvious for one of ordinary skill in the art to modify Barrett by giving

DTD's for data flow as per the teachings of Weschler since it is a structure of markup languages

for providing authentication.

24.   In reference to claim 49, Barrett teaches the system according to claim 48. Barrett fails to

explicitly teach wherein for each user a specific user DTD agreement is given (Weschler ,

column 9 lines 50-67 and column 16 lines 18-65, see above rationale).

25.   In reference to claim 50, Barrett teaches the system according to claim 36. Barrett fails to explicitly teach wherein said access request for said personal profile data is transported from the requesting application to its access means using Remote Method Invocation (RMI) (Weschler , column 8 lines 25-67, see above rationale).

26.   In reference to claim 51, Barrett teaches the system according to claim 50. Barrett fails to explicitly teach wherein the request is transported as an XML transport object tagged with information about the requested end-user personal profile data (Weschler , column 8 lines 20-40 and column 9 lines 50-67, see above rationale).

27.   **Claim 52 rejected under 35 U.S.C. 103(a) as being unpatentable over unpatentable over Barrett (US Patent No 6,581,059) in view of Hoyle (US Patent No 6,771,290).**

Barrett teaches the system according to claim 36, using HTTP and other protocols including secure protocols (column 5 and column 9 lines 15-35). Barrett fails to explicitly teach wherein an HTTPS protocol is used for communication between the access means of the requesting or information holding application and the central protection server. However, "Official Notice" is taken wherein HTTPS is a well-known security protocol for communication over HTTP, as is taught by Hoyle (column 12 lines 5-15).

It would have been obvious for one of ordinary skill in the art to modify Barrett by making the HTTP communication into HTTPS protocol as per the teachings of Hoyle for the purpose of secure communication over HTTP.

28.   **Claims 54-56,61,66 rejected under 35 U.S.C. 103(a) as being unpatentable over**

unpatentable over Barrett (US Patent No 6,581,059) in view of Hind et al (US Patent No

6,826,690).

29.   In reference to claims 54,62 and 68, Barrett teaches the system according to claims 36,61

and 66. Barrett fails to explicitly teach wherein the request is digitally signed with at least one of

a private key of the access means of the requesting application and a private key of the access

means of the information providing application. However, Hind teaches generating a digital

signature for a request using a servers private key for secure communication purposes (Summary

and column 13 lines 30-60).

         It would have been obvious for one of ordinary skill in the art to modify Barrett wherein

the request is digitally signed with at least one of a private key of the access means of the

requesting application and a private key of the access means of the information providing

application as per the teachings of Hind for the purpose of secure participation of entities in

communication.

30.   In reference to claim 55, Barrett teaches the system according to claim 54, wherein the

request is digitally signed with a private key of the central protection server, and a digital

signature of the access means are verified in the central protection server (Hind, Summary and

column 13 lines 30-60, see above rationale).

31.   In reference to claim 56, Barrett teaches the system according to claim 55, wherein the

central server means comprises means for encrypting at least the second user identity used by the

information providing application (Hind, Summary and column 13 lines 30-60, see above

rationale).

Conclusion

32.   Applicant is advised that the above specified citations of the relied upon prior art are only

representative of the teachings of the prior art, and that any other supportive sections within the

entirety of the reference (including any figures, incorporation by references, priority documents

and claims) is implied as being applied to teach the scope of the claims.

33.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing
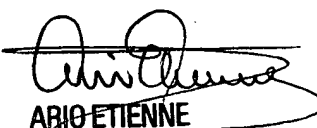
date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Ramy M. Osman whose telephone number is (571) 272-4008.

The examiner can normally be reached on M-F 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

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like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

RMO
December 22, 2006

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